

REMARKS

Claim 23 has been amended to correct a minor typographical error.

The Examiner rejected claims 1-7 and 16-25 under 35 U.S.C. 102 as being anticipated by Dias et al. (U.S. Patent No.6,317,778). Applicant respectfully traverses this rejection.

The Examiner argues that Dias, at col. 9, lines 1-58 and col. 12, line 42 - col.13, line 3 teach the elements of claim 1. Dias, however, teaching content based routing to a data cache, not from a data cache. More specifically, col. 9, lines 1-58 describes an algorithm that determines whether sufficient space resides in particular caches and routes data only to a cache that has sufficient space to store the data. Col. 12, line 42 - col. 13, line 3 describes a content based router 165 that directs a request for an object to the cache that is storing the object. Notably, both of these sections only describe the sending of data or requests to a data cache to be serviced. Nothing in Dias describes a data cache itself performing content based routing. Applicant also notes that the “content based routing” described in Dias pertains to the routing off data requests based upon the requested object location. As such, this is not “with reference to information in the application layer” as described in claim 1. Nevertheless, Dias fails to teach the elements of claim 1 such as, for example “routing the data traffic according to the selected routing option, wherein the routing includes forwarding the data traffic from the network cache to another network device in the network” as Dias only teaches the reverse - selecting a routing option (location of the data cache) and sending the data traffic from another network device to the appropriate data cache based upon this routing option. This is clearly not the same as described in claim 1 and as such Applicant respectfully requests that the rejection of claim 1 be withdrawn.

As to independent claims 16, 20, 21, 22, and 23, these claims contain elements similar to that as described above with respect to claim 1, and as such Applicant respectfully submits that these claims are also in condition for allowance for the same reasons.

Dependent claims 2-7, 17-19, and 24-25 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, claims 2-7, 17-19, and 24-25 are not anticipated or made obvious by the prior art outlined in the Office Action.

The Examiner rejected claims 1-11 and 16-25 under 35 U.S.C. 103(a) as being unpatentable over Heddaya et al. (U.S. Patent No.6,205,481) in view of Balassanian (U.S. Patent Pub. No. 2005/0021857A1).

The Examiner rejected claims 12-15 under 35 U.S.C. 103(a) as being unpatentable over Heddaya et al. (U.S. Patent No.6,205,481) in view of Balassanian (U.S. Patent Pub. No. 2005/0021857A1), and further in view of Dillon (U.S. Patent No. 6,016,388).

The Examiner rejected claims 8-10 under 35 U.S.C. 103(a) as being unpatentable over Dias et al. (U.S. Patent No.6,317,778) in view of Balassanian (U.S. Patent Pub. No. 2005/0021857A1).

The Examiner rejected claims 11-15 under 35 U.S.C. 103(a) as being unpatentable over Dias et al. (U.S. Patent No.6,317,778) in view of Balassanian (U.S. Patent Pub. No. 2005/0021857A1), and further in view of Dillon (U.S. Patent No. 6,016,388).

All of these rejections rely upon the use of Balassanian, which has a critical date of February 4, 2000. Appended to this response is a Rule 131 affidavit from one of the inventors of the present application outlining that the invention was conceived and reduced to practice at least as early as April 26, 1999. As such, Applicant respectfully submits that Balassanian is unavailable as a prior art reference and requests that all rejections based at least partially on Balassanian be withdrawn.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER LLP

/Marc S. Hanish/
Marc S. Hanish
Reg. No. 42,626

P.O. Box 70250
Oakland, CA 94612-0250
408-255-8002